

Denison & Pacific.....	426,240
Waxahachie Tap	113,920
Texas Central.....	1,471,360
Missouri, Kansas & Texas Ex- tension	272,000
Texas & St. Louis.....	942,080
Texas Trunk.....	107,520
Texas Mexican.....	556,800
Chicago, Texas & Mexican Cen- tral	225,280
Austin & Northwestern.....	382,720
Rusk Transportation.....	76,800

Total acres surveyed.....35,768,718

Of the above number of acres granted by the State, the Austin & Northwestern located in the county of Greer, which has since been lost, 273,280 acres.

Since said surveys were made, lands have been recovered by the State from the following railway companies or their assigns, towit:

	ACRES.
Galveston, Harrisburg & San Antonio	909,157
Houston & Texas Central.....	151,180
Texas & Pacific.....	256,046
Total	1,316,383

BILLS AND RESOLUTIONS.

By Senator Dibrell:

Senate bill No. 1, A bill to be entitled "An Act to appropriate sixty thousand dollars to pay members' mileage and per diem and officers' and employes' per diem of the First Called Session of the Twenty-sixth Legislature."

Read first time, and referred to the Committee on Finance.

Call concluded.

On motion of Senator Stafford, the Sergeant-at-Arms was instructed to rent two typewriters for the use by the Senate during the session.

On motion of Senator Patterson, the Senate adjourned until 10 o'clock tomorrow.

SECOND DAY.

Senate Chamber,
Austin, Tex., Wednesday, Jan. 24, 1900.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Dibrell.
Davidson.	Goss.

Gough.	Neal.
Greer.	Odell.
Grinnan.	Patterson.
James.	Potter.
Johnson.	Sebastian.
Kerr.	Stafford.
Linn.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	Yett.

Absent.

Burns.	Ross.
Hanger.	Stone.
Lewis.	

Prayer by the Chaplain, Rev. C. B. Garrett.

Pending the reading of the Journal of yesterday,

On motion of Senator Miller, the same was dispensed with.

EXCUSED.

On motion of Senator Patterson, Senator Lewis was excused indefinitely on account of sickness.

On motion of Senator Yantis, Senator Gough was excused for non-attendance on yesterday on account of important business.

On motion of Senator Terrell, Senator Burns was excused for non-attendance on yesterday on account of sickness.

Senator Miller moved to excuse Senator Stone indefinitely on account of important business.

Lost.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 24, 1900.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 1, being a bill to be entitled "An Act to appropriate sixty thousand dollars to pay members' mileage and per diem and officers' and employes' per diem of the First Called Session of the Twenty-sixth Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

EXECUTIVE MESSAGE.

The following message was received from the Governor:

To the Legislature:

In view of the present condition of the

State treasury I have to recommend the reduction of the ad valorem rate of taxation for general purposes, not including that for the support of the public schools, for the year 1900, from twenty cents to sixteen and two-thirds cents upon the one hundred dollars. The net balance in the treasury to the credit of General Revenue, on September 1, 1899, was \$1,033,418.55. Adding to this sum the receipts for the year ending August 31, 1900, as estimated by the Comptroller, \$2,700,000, there should accrue to the treasury upon account of General Revenue during the year \$3,733,418.55.

Against this are to be placed the appropriations heretofore made and to be expended during the same period amounting to \$3,008,225.28; and also the further sum of \$71,852.00, anticipated deficiencies.

Deducting expenditures from receipts and assuming that all appropriations will be expended, there should remain to the credit of General Revenue on September 1, 1900, the net balance of \$623,341.27.

It is estimated by the Comptroller that upon an ad valorem tax rate, under present law, of sixteen and two-thirds cents upon the one hundred dollars, the revenue to the treasury would amount to \$2,450,000. This added to the balance on hand at the beginning of the next fiscal year should be sufficient to pay all authorized expenditures, including the appropriations to be made at the present session of the Legislature, and leave a proper working balance.

I hardly know which is the more reprehensible—a redundant or a depleted public treasury. Certainly, the former condition begets extravagance, besides exacting from the people, through the expensive method of tax collection, a larger contribution than necessary for an efficient administration, conducted with proper economy. The wise course is to so adjust the receipts and expenditures that there may always be on hand funds enough only to insure the prompt discharge of every obligation as it falls due.

Under present conditions it is believed that three hundred thousand dollars would be sufficient for the purpose.

By virtue of the Act of March 2, 1899, J. J. Terrell, E. Von Rosenberg, E. J. Roberts and Jack Carter were appointed a board to ascertain the amount of public domain belonging to the State at the date of the adoption of the Constitution, April 17, 1876; the amount thereof set apart to the permanent free school fund; the amount since sold for the benefit of said fund; and the amount since otherwise appropriated by the State for other pur-

poses. The board began its work on March 20, 1899, and continued uninterruptedly in its labors until September 1, following. The magnitude of the work will be the more appreciated when it is known that each file and each set of field notes surveyed and made on the public domain by authority of law and returned to and filed in the General Land Office from April 17, 1876—the date of the adoption of the present Constitution—to May 23, 1898, were carefully examined and considered.

The result is embodied in the report of the Commissioner of the General Land Office of November 1, 1899, a copy of which was mailed each Senator and Representative directly after its publication.

I desire to add my own testimony to that of the Commissioner as to the faithfulness and ability with which the board discharged this most important duty. That it was well and thoroughly done can not be reasonably doubted.

Of the appropriation of \$3,500 made for the purpose, \$785.10 remains unexpended.

I concur with the Commissioner that the permanent school fund has not received its full share of the public domain as contemplated by the Constitution.

In making up the account my own judgment is that the area in lakes and bays—1,722,880 acres—should be discarded altogether, and be permitted to remain as now for future disposition.

It is the land acreage only that must necessarily be considered at this time.

Accepting the findings of the board and the report of the Commissioner thereon as accurate, it may be stated that the amount of vacant land within the State on April 17, 1876, as definitely ascertained, was 61,258,461.56 acres, including the area of lakes and bays, and that since then surveys therefrom have been made as follows:

	ACRES.
For permanent school fund.	21,865,714.11
For county permanent school fund.....	2,208,611.
For University, grant by Constitution	1,000,000.
For University, grant by Legislature	1,127,407.
For individual purposes...	25,889,654.45
For State capitol, grant by Constitution	3,000,000.
Upon certificates issued prior to April 17, 1876, but located since then and included in the item for individual purposes...	8,294,621.56
Total surveys since April 17, 1876	56,091,386.56

Add area of lakes and bays. 1,722,880.
Add unsurveyed vacant land 4,444,195.

Total 61,258,461.56

From the statement submitted it would appear that it must first be determined whether the surveys made after the adoption of the Constitution but upon certificates issued prior thereto, and aggregating 8,294,621.56 acres, and also whether the surveys for the University and for the capitol under grants made by the Constitution and amounting to 4,000,000 acres shall be chargeable to the entire unsurveyed domain of the State when the Constitution was adopted and before a division between the State and the Permanent School Fund, or to that portion only which remains to the State after the division contemplated in Section 2, Article 7, of the Constitution, has been had.

If it shall be concluded that the particular fund thus created by the Constitution for the support of the public free schools is but one-half of what will remain after the segregation of the surveys mentioned from the entire unsurveyed public domain as it existed on April 17, 1876, the deficit to the fund can be easily met.

Upon this hypothesis there is now due the fund—omitting the water acreage, 1,722,880 acres, altogether from consideration—5,902,076.67 acres, less 1,428,541.40 acres transferred to the fund by the Act of April 18, 1899.

The remainder can be supplied in part by conveying to the fund the unsurveyed vacant land—4,444,195 acres—leaving 29,340.27 acres unprovided for.

Should, however, it be determined that the surveys for certificates issued prior but located subsequent to April 17, 1876, and those made under the grants by the Constitution to the University and for the capitol—aggregating 12,294,621.56 acres—ought to be borne by the State's share of the public domain only, then there will be needed provision for an additional deficit, the amount of which will depend upon the extent of the charge to be thus made.

Entertaining the opinion that any settlement made by the Legislative and Executive Departments of the government, would hardly be questioned by the judicial, and that the courts would probably disturb no patent that may have been regularly issued, because of a previous exhaustion by the State of its share of the public domain, I have believed it my duty to inform the Legislature as fully as possible as to the different character of surveys made since the adoption of the Constitution.

Having been previously advised that there was a probable deficit in the lands belonging to the permanent school fund, as designated by the Constitution, I adopted upon my inauguration as Governor, and have since maintained the policy to sign no patents covering surveys, the locations of which were not made prior to April 17, 1876, or were not upon lands already set apart to the fund.

This has been done in order to avoid further complication and greater exhaustion of the public domain pending the settlement of the exact status of the State to the fund.

It will be perceived in the statement submitted that there are items of appropriation for the permanent school fund of certain counties and for the University under legislative grants and amounting to 3,336,018 acres. These surveys, though for educational purposes, can not, it is believed, be chargeable to any extent whatever against the share due the permanent school fund under the Constitution.

Such a construction would involve the power of the State to segregate, as it may please, from the permanent fund any portion and transfer it to the counties or for other purposes of an educational character.

True it is that the Supreme Court has said, in the case of *Smisson vs. The State*—*Texas Reports*, Vol. 71—"that it is unnecessary to enter into a critical examination of the true relation of the State—the people—to the common school lands in order to illustrate the fact that the relation imposed by Section 2, Article 7, of the Constitution is not that of a trustee seized of lands for the use of another with a naked power of sale."

Though the language quoted would imply the existence of power in the Legislature to exercise its discretion in the administration of the fund, yet it does not follow that such discretion is broad enough to cover the alienation by the State of any portion of the school lands to the counties, though charged with the restriction that it should be held and used as a permanent fund for the support of the public free schools within such counties. The fourth section of the same article provided that "the lands set apart to the public free school shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof."

The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for,

in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the State shall be responsible for investments."

Commenting upon this provision the court, in the case cited, says that "the direction in the Constitution is mandatory, and leaves no discretion in the Legislature as to the mode in which the lands shall be ultimately utilized."

The intendment of the Constitution is clear that the State should have the exclusive custody and administration not only of the lands set apart and appropriated for the support of the public schools, but also of the proceeds arising from their sale.

In this view of the question, the conclusion must be that the legislative grants to the counties and to the University since April 17, 1876, should be taken from the State's share of the public domain and not be carved out of the lands designated by the Constitution for the permanent support of the public free schools.

It will be well to note, in this connection, that in the unsurveyed vacant land at the time of the adoption of the Constitution and found by the Board and the Commissioner to be 61,258,461.56 acres, is not included 295,614 acres, upon which homestead donation claims to the number of 2,658 have been filed but not patented, and also 1,138,827 acres covered by Spanish grants with the exception of 31,036 acres, which have never been recognized as valid by the General Land Office.

The attention of Senators and Representatives is especially invited to the accompanying communication of November 14, 1899, from the Commissioner, and such legislation is recommended as will secure the early determination through judicial inquiry, of the legal status of the grants and patents mentioned. For the information of the Legislature, I also transmit herewith a copy of a letter from the Commissioner of January 6, 1900, and also a copy of one from the Comptroller of January 12, 1900.

If in the settlement of this question it should be the will of the Legislature that the homestead locations mentioned should be recognized it will then become necessary to provide for the one-half thereof—147,807 acres—which belong to the permanent school fund. This may be done by setting so much apart to the fund from whatever may be recovered by the State in the suits that should be instituted to cancel the Spanish grants and the patents to which reference has been made.

2—Senate

All patents for homestead donation should be limited to those applications filed in the General Land Office prior to May 23, 1898, and only in those cases in which the proof required by law shall be made and submitted before January 1, 1901.

The repeal of Section 2 of the Act approved June 5, 1899, and known as Chapter 173, is recommended. It is believed that Section 1 of the Act would include only such sales as have been made since the adoption of the Revised Civil Statutes—that is since September 1, 1895. The law therefore, if executed, would only affect \$10,101.27, and it is not to be supposed that the transfer of so small a sum was contemplated by the Legislature. Besides, in determining the balance due the permanent school fund the Act has not been taken into account by the Board and the Commissioner.

It is of the highest importance that definite action should be taken at the present session, not only in order that the school fund may be put in possession of the entire acreage to which it is entitled under the Constitution, but also that the cloud which now rests upon very many titles may be removed. Every effort is being made to increase the available school fund as rapidly and as largely as possible in order to meet the demand of an increasing population. It is gratifying to know that for the year just expired the sum accruing to the fund from leases was \$444,385.02, being larger than that during the year 1898 by \$121,356.02. If the settlement contemplated can be soon effected it is thought that the lease money for the present year can be made to exceed \$550,000.

A consideration of the readjustment of the salaries of the superintendents of the three lunatic asylums is earnestly recommended. Their compensation, as now fixed, is but two thousand dollars per annum. Heretofore, the custom has been for them to use without charge, for the support of themselves and their families, supplies purchased for the maintenance of the institutions. This custom has been abrogated by law.

When it is considered that these officials should be gentlemen of not only the highest personal and professional character, but of excellent administrative ability also, it can not but be admitted that their salary, as at present constituted, is altogether inadequate to the kind and amount of the service to be rendered and of the responsibility imposed.

I am advised that the number of patients in the North Texas Asylum at Terrell on January 1, 1900, was 1044, and that when the additional building,

in course of construction, shall have been completed, there will be a capacity in that institution for 1500 patients; that there are now 734 patients in the State Asylum at Austin, and that when the improvements now being erected shall have been finished its capacity will reach 1084 patients; and that the present capacity of the Southwestern Asylum at San Antonio is 668 patients.

In addition to the patients to be constantly cared for there are a large number of employes at each institution, for whom the superintendent must be responsible. It should also be borne in mind that the property belonging to those institutions and ranging from three hundred thousand to five hundred thousand dollars each in value is also under their direct control.

Under these circumstances it would seem that a salary of three thousand dollars per annum, supplemented by an allowance of such fuel, light, water, household and table furniture and quarters as may be needed, would be altogether reasonable, and this I earnestly recommend.

The following items of appropriation are submitted the Legislature for its consideration:

DEFICIENCIES.

Quarantine Department.....	\$ 3,252 00
Live Stock Sanitary Commission	4,200 00
Wood and coal, Blind Institute	500 00
Erection of an annex for females at the North Texas Insane Asylum.....	2,500 00

COURT OF CIVIL APPEALS—FIRST DISTRICT.

Postage	40 00
Contingent expenses.....	100 00
Law books.....	100 00

COURT OF CIVIL APPEALS—SECOND DISTRICT.

Contingent expenses.....	100 00
Law books.....	100 00
Stationery	200 00
Postage	50 00
Subpoenaed and attached witnesses	75,000 00
Salary of special judges.....	3,000 00
Relief of liquor dealers (local option districts).....	1,000 00
Fees in examining trials.....	5,000 00
Clerks' fees, Criminal Court of Appeals	750 00

COMPTROLLER'S DEPARTMENT.

Two additional clerks, Pension Department	2,400 00
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NORTH TEXAS INSANE ASYLUM.

For contingent expenses to March 1, 1900.....	200 00
For new kitchen and bakery, including rooms in second story for occupation by employes	18,777 00
For power house, to include room for three batteries of three boilers each and for coal	13,500 00
Nine new boilers, connections, new fittings and fixtures for same	6,381 00
For one plasterer.....	480 00
For one supervisor of grounds and repairs	480 00
For one assistant carpenter..	360 00
For one shoemaker.....	360 00
For one tailor.....	360 00
For one assistant gardner....	300 00
For one assistant dairyman..	240 00
For one scavenger.....	240 00
For one front yardman.....	240 00
For one mattress maker.....	240 00
Additional laundry machinery, electric motor and fitting up of new laundry.....	3,000 00
For one slop wagon.....	80 00

STATE LUNATIC ASYLUM.

For two pairs of mules and harness	450 00
For stables and sheds for dairy herd.....	500 00
For coal shed.....	250 00
For general repairs.....	1,000 00
For repairing stoves with new heating apparatus, in buildings	5,500 00

SOUTHWESTERN INSANE ASYLUM.

Six additional attendants....	1,440 00
Two night watches.....	1,200 00
Medical stores.....	500 00
Purchase of cows.....	500 00
Contingent expenses.....	150 00
P. T. Shields, for work already done.....	885 65

DEAF AND DUMB INSTITUTE.

For repairs to buildings and grounds for the year ending February 28, 1901.....	2,500 00
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PUBLIC BUILDINGS AND GROUNDS.

For water, fuel, lights, pipes, plate glass, piping, etc., for the year ending February 28, 1901.....	3,000 00
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CONFEDERATE HOME.

To finish hospital.....	5,000 00
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GENERAL LAND OFFICE.

For additional clerical force
for the year ending Febru-
ary 28, 1901..... 12,000 00

BLIND INSTITUTE.

Two solid metallic washers, a
centrifugal extractor and
repairs to laundry..... 1,100 00
For one two-story brick build-
ing 6,500 00
For general repairs for year
ending February 28, 1901.. 850 00

STATE UNIVERSITY.

Medical Branch, Galveston.
Out of general revenue for
two years ending February
28, 1901..... 6,000 00
For support and maintenance in addi-
tion to the appropriation from general
revenue, all fees collected from students
for the two years ending February 28,
1901.

AGRICULTURAL AND MECHANICAL COLLEGE.

For construction of sewerage
system 3,000 00

TREASURY DEPARTMENT.

For an additional clerk..... 1,200 00
For porter..... 360 00

ORPHAN ASYLUM.

Maintenance of inmates. All of the
available fund of said asylum for the
two years ending February 28, 1901, in
addition to the appropriation hereto-
fore made out of general revenue.

JOSEPH D. SAYERS,
Governor.

GENERAL LAND OFFICE,

Austin, Texas, November 14, 1899.

*His Excellency, Joseph D. Sayers, Gov-
ernor of Texas.*

DEAR SIR: On the 29th day of Au-
gust, 1899, I addressed a letter to the
Attorney-General, a copy of which is
herewith enclosed, in which I requested
his opinion concerning the validity of
certain alleged Spanish and Mexican
land grants or titles, and as to how they
should be regarded by the Land Office.
I did this with a view of submitting the
matter to your Excellency in my report in
tabulating the account between the pub-
lic domain and the permanent school
fund, which report was made to you on
the 1st inst.

There being such a great amount of
work and so many legal points involved
(it being necessary to examine and give

an opinion upon each file), the Attorney-
General has never had the opportunity
since that time to fully investigate the
same, and consequently has not furnished
me with his opinion. Not knowing how
to report thereon, or whether the land
involved, or any part thereof, should be
regarded as belonging to the State, no
special mention was made of it in my
report.

By reference to the accompanying let-
ter, it will be observed that the amount
of land involved comprises 1,138,827
acres. The claims are not now, and have
never been, in condition to patent. The
land belongs either to the State or to in-
dividuals. The claims of individuals to
these alleged grants have no standing in
the Land Office, and are not recognized
as valid. If it belongs to the State, that
fact should be determined so that the
Commissioner of the General Land Office
could exercise jurisdiction over it and
make it produce a revenue to the State,
and so it could be disposed of in such
manner as may be provided by law. If
it belongs to individuals that fact should
also be determined, and the Commis-
sioner of the General Land Office author-
ized to issue patents and to cancel any
and all claims subsequently made there-
on for school and other purposes, and the
matter finally set at rest.

Not having had the benefit of the At-
torney-General's opinion as to how I
should classify it, I decided it was the
safest course to regard these supposed
grants as segregated from the public do-
main, and account them as outstanding
liabilities existing prior to the adoption
of the Constitution of 1876.

Among this number of claims of doubt-
ful origin and validity are two alleged
grants to which I especially invite your
attention. The Legislature, by an Act
approved August 15, 1870, authorized
claimants to sue the State in the Dis-
trict Court of Travis county for the pur-
pose of establishing title. The same Act
provided that if any of such claims
should be rejected, or in other words, if
any of said claimants should fail to es-
tablish title, the same should "be deemed,
held and considered as part of the public
domain of the State." Said Act further
provided that said suits should be filed
within three years from and after the
same took effect.

Acting under this law, Juan de la Gu-
terrez filed suit against the State to re-
cover two leagues of land aggregating
8,896 acres, situated in Encinal, but now
Webb county. On the 13th day of Febru-
ary, 1873, judgment was rendered for the
plaintiff. The State perfected an appeal
to the Supreme Court, and on the 22nd

day of May, 1877, the judgment of the court below was reversed and remanded. On the 7th day of March, 1884, the plaintiff dismissed the suit, and certified copies of the proceedings were duly filed in the General Land Office.

Sabas Fuentes et al. also filed suit against the State to recover five leagues of land aggregating 22,140 acres, situated in Encinal, but now Webb county. On the 26th day of October, 1878, said cause was tried, and judgment was rendered for the State. The plaintiff appealed the case to the Supreme Court, and on the 26th day of October, 1883, the judgment of the court below was affirmed, and certified copies of the proceedings were duly filed in the General Land Office. From some cause, the reasons for which do not appear from the records in the office, both pretended grants were patented on the 19th day of December, 1891, both of which have long since been covered by alternate scrip locations, and suit should be instituted to cancel the patents last mentioned.

I am also of the opinion that it is highly important this matter should be brought to your Excellency's attention at this particular time, for in the event it should be determined that the permanent school fund is short more than 26,000 acres, after applying to the deficiency the unsurveyed vacant land now on hand, you can give such directions in regard thereto looking to its recovery as you should deem proper.

Very respectfully

[Signed] CHARLES ROGAN,
Commissioner General Land Office.

File Number.	Name of Claimant and Location of Land.	Number of Acres Claimed.
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NUECES COUNTY.

581	J. P. Rey et al., 12 leagues..	53,136
382	Blas M. Falcon, 5½ leagues...	24,354
537	J. J. M. G. Falcon, 4 leagues and 17 labors.....	20,721
538	A. Gutierrez, 3 leagues.....	13,284
785	J. L. Herrera, 4 leagues and 3 caballerias	18,036
779	Jose A. Ynojosa, 6 sitios and 3 caballerias.....	26,892
797	Gregoria Farias, 4 sitios and 3 caballerias.....	18,036
802	M. L. Herrera, 4 sitios and 3 caballerios	18,036

HIDALGO COUNTY.

738	Juan J. Balli, 71 leagues and 9 caballerias.....	315,362
655	Pedro Garcia, 4 leagues.....	17,712
654	Juan Dias, 4 leagues.....	17,712

368	Gil Zarate, 5 leagues.....	22,140
720	J. A. Canter, porcion No. 55..	4,785
722	Maria Luna, porcion No. 57..	7,290
740	Francisco Canter, porcion No. 80	5,536
742	Nicholas Flores, porcion No. 75	5,536
743	M. Martinez, porcion No. 74..	6,696
745	Y. Ramirez, porcion No. 79..	5,536
762	Pedro Flores, porcion No. 77..	5,536

ENCINAL NOW WEBB COUNTY.

783	J. D. Trevino, porcion No. 33	5,314
787	J. B. Chapa, porcion No. 37..	5,314
788	J. A. Nasario, porcion No. 39	5,314
789	L. Salinas, porcion No. 36...	5,314
790	T. Sanchez, porcion No. 38..	5,314
1478	S. Sanchez, porcion No. 12..	5,314
1544	L. Sanchez, porcion No. 23..	5,314
1784	Hrs. of M. Gonzales, porcion No. 5.....	5,314
1488	L. Sanchez, porcion No. 53..	5,600
782	J. F. C. Moreno, porcion No. 30	5,314
784	J. B. Villareal, porcion No. 29	5,314
643	Hrs. of J. Cuellar, 2 leagues	8,896
644	Hrs. of V. de las Fuentes, 5 leagues	22,140

STARR COUNTY.

577	Antonio Silra, 5 sitios.....	22,140
579	D. Garza, 4 leagues.....	17,712
794	Juan J. Solis, porcion No. 107	6,195
750	Jose M. Chapa, 9 leagues...	39,852

ZAPATA COUNTY.

500	J. Cueller, porcion No. 36..	6,121
570	Jose M. Peredo, 4 leagues...	17,712
639	Antonio Zapata, 5 leagues...	22,140
726	Jose B. Borego, 64 leagues..	286,532
774	F. Garcia, porcion No. 3....	8,128
777	J. C. Vidaurri, porcion Nos. 39 and 40.....	10,156
776	J. C. Gutierrez, porcion No. 41	6,027

1,138,827

GENERAL LAND OFFICE,
Austin, Texas, January 6, 1900.

His Excellency, Joseph D. Sayers, Governor of Texas.

DEAR SIR: I have the honor of calling your attention to two items in my report dated November 1, 1899, based upon the findings of the Special Commission appointed under the Act of March 2, 1899.

One is the item relating to the release by F. P. Olcott of 160,140 acres of land to the State and set aside to the school fund by an Act of the Twenty-sixth Legislature, approved April 18th, 1899, on

page 29 of said report, a marked copy of which is herewith enclosed.

Chapter 81, page 124, General Laws of the Twenty-sixth Legislature, provides that where parties had purchased such land prior to the institution of suit by the State from the person or firm who originally located the same, and who had paid full value therefor, and who were not made parties to said suit, should have ninety days after said Act took effect to file their proofs in the General Land Office, and if filed within that time the land so purchased by them was exempted from sale or lease.

At the time the data was obtained for my report claims for only 8,960 acres had been proven and filed in the Land Office, which were deducted from the amount set apart to the school fund, reducing the amount set apart from the land recovered of said Alcott to 151,180 acres, as shown in said report.

Since that time, but prior to the expiration of the time allowed within which such proof could be made, five other claims, aggregating 3,200 acres, have been filed and proved, which reduce the quantity set apart from the recovery of lands from said Alcott from 151,180 acres to 147,980 acres, and it reduces the total number of acres set apart to the permanent school fund since April 17th, 1876, from 23,297,455.51 acres to 23,294,255.51 acres, and the deficiency is increased from 26,140.27 acres to 29,340.27 acres.

The second relates to the item of homestead donation claims, shown in Exhibit C, page 25, of said report. Every claim or survey made and filed in the General Land Office prior to the 23rd day of May, 1898, was examined and reported. Of that number, there are 2,658 claims, aggregating 295,614 acres, on which patents have not issued. No claims of that character have been filed in the Land Office since that date.

If the Legislature makes a sufficient appropriation from the general revenue to pay the balance due by the State to the permanent school fund, all such claims as these should be patented in all cases where the claimants have complied, or can comply, with the law. Some of these claims are more than twenty years old, and the Legislature should require all claimants to make their proofs and apply for patents within a specified time, and in the event proof is not made and patents not applied for within the prescribed time, such claims should be canceled and the land put on the market for sale.

Very truly yours,
[Signed] CHARLES ROGAN,
Commissioner General Land Office.

Austin, Texas, January 12, 1900.

Hon. Charles Rogan, Commissioner General Land Office, Austin, Texas.

DEAR SIR: In reply to your letter of October 19, you are respectfully advised that the records of this office show that \$1,336,391.68 was transferred under the "Jester Amendment" from permanent to the available school fund. I also advise that the records show that from 1885 to 1896, \$281,784.86 was drawn from the permanent school fund in payment of clerks for classification, sale, lease, etc., of school lands. The records do not show any moneys paid into the State treasury to the credit of permanent school fund, except the sales of lands, or redemption of bonds.

This letter has been delayed because of the much crowded work of this department, and the necessary time consumed in getting up the above data.

Yours very truly,
[Signed] R. W. FINLEY,
Comptroller.

BILLS AND RESOLUTIONS.

By Senator Potter:

Senate bill No. 2, A bill to be entitled "An Act to partition the land, adjust and settle the controversy between the public school fund and the State of Texas growing out of the joint ownership of the public domain under the provision of the Constitution of 1876; to provide for the payment of the sum due said school fund, and for the issuance of patents."

Read first time; and referred to the Committee on Public Lands and Land Office.

By Senator James:

Whereas, Rev. Dr. Denson, Chaplain of the Twenty-sixth Senate of the State of Texas, has removed from our State to engage in foreign fields of usefulness, and because thereof has resigned the chaplaincy of our honorable body; therefore, be it

Resolved, That it is with lasting regret we accept his resignation, and reconcile ourselves to our loss of him from our presence; and that we hereby express our sincere appreciation of his worth as an upright citizen and man of God. That our desire for his unbounded success and happiness along the lines of his last chosen field of activity, mingled with our regret at his loss, characterizes his remembrance by this body.

Adopted.

By Senator Terrell:

Resolved, That 300 extra copies of the Journal containing the Governor's mes-

sage be ordered printed for the use of the Senate.

Adopted.

By Senator Greer:

Resolved, by the Senate, That each member of the Senate be allowed to subscribe for four daily newspapers during the session of the Legislature, and that the same be paid for out of the contingent fund of the Senate.

By Senator Morriss:

"Amend so as to read 'ten' copies instead of 'four.'"

Lost by the following vote:

Yeas—3.

Miller.	Ross.
Morriss.	

Nays—25.

Atlee.	McGee.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Patterson.
Goss.	Potter.
Gough.	Sebastian.
Greer.	Stafford.
Grinnan.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yantis.
Linn.	Yett.
Lloyd.	

Absent.

Hanger.	Stone.
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Absent—Excused.

Lewis.

By Senator Kerr:

"Amend by adding: 'At a price not exceeding three cents per copy.'"

Adopted.

The resolution as amended was lost by the following vote:

Yeas—12.

Burns.	Kerr.
Davidson.	Linn.
Dibrell.	Odell.
Goss.	Patterson.
Greer.	Ross.
Johnson.	Sebastian.

Nays—16.

Atlee.	Neal.
Gough.	Potter.
Grinnan.	Stafford.
James.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	Yett.

Absent.

Hanger.	Stone.
Lewis.	

By Senator Dibrell:

Whereas, Matters pending before this Called Session of the Legislature are of great public importance, and require careful study and investigation; therefore, be it

Resolved, That the Librarian of the Supreme Court of Texas be requested to open and keep open said library from 8 o'clock a. m. until 6 o'clock p. m., that the members of the Legislature may have access thereto, and that the Librarian be allowed the sum of one dollar per day extra pay for such services, to be paid out of the contingent expenses of this Legislature.

Adopted.

There being no other business before the Senate,

On motion of Senator Atlee the Senate adjourned to 10 a. m. tomorrow.

THIRD DAY.

Senate Chamber,

Austin, Tex., Thursday, Jan. 25, 1900.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Potter.
Gough.	Sebastian.
Greer.	Stafford.
Grinnan.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yantis.
Lloyd.	Yett.
McGee.	

Absent.

Davidson.	Patterson.
Hanger.	Ross.
Linn.	Stone.
Odell.	

Absent—Excused.

Lewis.

Prayer by the Rev. George A. LeClere, presiding elder of the Austin district.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Neal:

Resolved, That the printer be and is